

***7 Official Opinions of the Compliance Board 80 (2011)***

**Minutes – Preparation and approval normally by time of  
public body’s next meeting – Public access to minutes**

January 10, 2011

*Frances Joines*

The Open Meetings Compliance Board has considered your complaint with respect to the minutes of the Town Council of Brentwood. For the reasons explained below, we find that the Council violated the Act by failing to create and approve minutes on a timely basis. However, we are encouraged by the Town’s representation that the Council has undertaken a program to bring its minutes up to date in the near future.

**I**

**Complaint and Response**

The complaint concerned access to records relating to the meetings of the Town Council of Brentwood. Attached to the complaint was a copy of a public records request sent by the complainant to the Town for copies of tapes of Town Council meetings for March, June, and July 2010. The complaint also asserted that no minutes had been prepared for Council meetings since the beginning of this year.

A response submitted by the Mayor of Brentwood conceded that there had been a delay in the preparation of the Council’s minutes due to a large number of meetings related to the adoption of the Fiscal Year 2011 budget and a change in the format of minutes that was adopted in May. The Mayor reported that minutes have now been “provisionally” approved for meetings in April, May, June, and July. She anticipated that they would receive final approval at the next Town Council meeting and that the Council will also adopt a plan to finalize minutes for meetings that occurred during August, September, October, and November 2010. She also indicated that several Council members are reviewing audio recordings of nine “Executive Sessions” –

presumably referring to closed portions of meetings – with a goal of producing draft minutes in first quarter of 2011.<sup>1</sup>

## II

### Creation and Approval of Minutes

The Open Meetings Act requires that written minutes of a meeting of a public body such as the Town Council be prepared “[a]s soon as practicable after a public body meets.” §10-509(b). The minutes should be in a format that includes at least the information required by the Act – that is, each item considered at the meeting, any action that the Town Council took on an item, and each vote that was recorded. §10-509(c)(1). Minutes should also include certain basic information concerning any closed sessions. *See* §10-509(c)(2).

Although special circumstances may occasionally result in some delay, preparation and approval of minutes should normally occur on a cycle that parallels the public body’s meetings – that is, the public body should ordinarily review and approve minutes for a meeting at the next subsequent meeting. *See* 6 *OMCB Opinions* 85, 87-88 (2009). Once draft minutes are adopted by a public body, they are to be open to public inspection during regular business hours. §10-509(d).

Extended discussion of the circumstances of this matter is unnecessary as the Town has admitted that the Town Council had fallen nearly seven months behind in the review and approval of its minutes. Accordingly, we find that the Town Council violated the Act to prepare, review, and approve minutes on a timely basis. It is to be hoped that the initiative that the Town has undertaken to bring its minutes up to date will bring the Council into compliance with the Act.

We note that public access to tapes and other records of Town Council meetings is governed by the Public Information Act (“PIA”), Annotated Code of Maryland, State Government Article, §10-611 *et seq.*, and is beyond the jurisdiction of the Compliance Board.<sup>2</sup>

---

<sup>1</sup> The complaint did not raise any issue as to whether meetings had been properly closed and, accordingly, we express no opinion concerning the propriety of the closed sessions.

<sup>2</sup> The complainant may obtain useful information about the PIA from several publications on the Attorney General’s website.

---

**III**

**Conclusion**

The Town Council violated the Act by failing to create and approve minutes on a timely basis. We are encouraged that the Council has undertaken a program to bring its minutes up to date in the near future.

OPEN MEETINGS COMPLIANCE BOARD

*Elizabeth L. Nilson, Esquire*

*Courtney J. McKeldin*

*Julio A. Morales, Esquire*